1877
(R.R.).

F.A. No. 15/1877
Serial No. 1-5.

Sub:- Grant of land to Pullappa in Exchange for his own -taken up for Sable Distillery at -S-gar.

50

G. R. S. IX-5]

Previous references. 1877

~~191~~ .

(L. R)

File No. 15– 1877

Serial Nos. 1–5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–5

major Part B for Sept 1877

SUBJECT.

Grant of land to Sullappa in exchange for his own taken up for the Sadder Distillery at Sagar

W D 88—GPB—50,000—24-7-13

Indexed

No 93

Memo -

No 590/237 dy 1st Sept 1877

The Comr of Nagai forwarded for the Ch. Comrs approval and for transmission to the Compiler of the Mysore Gazette for publication a Notification regarding a plot of land belonging to Bédar Poottapa in the Town of Nagai required for the Sadr Distillery at Nagai Shimoga Dt -

No 5901/42 dy 15 Sept 1877

2 - The Chief Comr observed that from the Deputy Comrs letter inclosed in the above it appeared that the land in question was already taken up and included in the Distillery Compound; that it was not clear whether this was done with the consent of the owner; that if the land was taken up without previous agreement with the owner the proceedings of the Deputy Comr were irregular - The Comr was requested to report the facts of the

Pass

Case more fully to enable the Ch. Commr to decide whether it would be necessary to take proceedings under the Land Aquisition Act

No 865/362 dy 24th Oct. 1877

3 The Comr reported that in January 1875 Bedon Puttapah consented to part with the plot in question if land was granted in exchange; and that he afterwards claimed a compensation of Rs 492; that the Amildar estimated the value of the plot at Rs 10, that he agrees with the Deputy Comr in thinking that the Compensation claimed by the owner is excessive and that the provisions of the Land acquisition Act should be put in action

4 The Ch. Comr observed that Puttapah had voluntarily agreed to give up the land in question and to accept, in lieu, another

No 734/59 dy 12th Nov. 1877

another piece of ground lying to the rear of the said; that he had thus waived his claim to any money compensation; that there appeared to be no necessity for taking any proceedings under the Land Acquisition Act. The Comr. was directed to put Pattapah at once in possession of the land which he wished to have in exchange -

No 149 of 25 May 1870
70

5 The Comr. forwards Copies of Deputy Comrs letter in which the Deputy Comr. states that the Amildar reported that Pattapah had not given a direct answer as to whether or not he wished to have new land; that by the Ch Comrs order it was intended that Pullapah's claim to Compensation should be Rejected and that he should only have a new land in lieu, he has

has by refusing to give a proper answer, forfeited his claim to any consideration whatever - The Commrs. concurs in this opinion, and adds that no further action is necessary -

6. Item not intended by the order passed on 12 Nov last that Pattabhirami claim for compensation shd be rejected. Item simply desires that a Pattabhi ~~appeal~~ be accept another land in lieu of the one taken up for the Distillery measures might, if none have been taken

to comply with Puttapaka
wishes. As Puttapaka
now refuses to
take the land which
he wanted before
I think he is entitled
to some compensation
for the land resumed
by Govt.

A.F. Thompson C.J.
8/6/78

The order of 12 Oct 77
stated that the C.G. Spencer
& Pootapeel had waived
his claim to any money
compensation.
No orders are at present
necessary on the Commrs
letter which may be recorded

6/6

1877 O 2909/163

From The Commissioner Nagar Dt.

To Secretary to Chief Commissioner, General Department.

Dated
Despatched 4th 9/77
Received 7 September

ENCLOSURES NO. 2

General No. 590
Genl (No. 23) 1877—7 S.

I have the honour to forward for approval and transmission to the Compiler of the Mysore Gazette for publication a Notification regarding a plot of land belonging to Baidun Boottappa in the Town of Nagar required for the Sudden Distillery at Nagar, Shimoga District, received with the Deputy Commr's letter No 581 dated 2-9-77 from Saltus, a copy of which is enclosed.

K. Ramachundra Row
For Commissioner

Accd 7.9.77 D. Saltus

(1)

Section 25 P.
15 - 1877

(8)

It is stated that the land had already been taken up and included in the Sudr Distillery Compound. So it would clear whether it was done with the consent of the owner under any arrangement or agreement legally entered into the Govt. Act applies to case where land has been taken up wrongly, but case in which land was already acquired under private arrangement. Therefore Collector may [illegible] Deputy Commr's application for [illegible] 10/9/77

Shimoga District Dy Commrs office

No. 6-81 Ln 1. Shimoga 26th August 1877.

To,

The Commissioner

Nagar Division

Sir,

I have the honor to state that in construction the Sadar Distillery at Sagar, a piece of land belonging to one Bandaru Bontappa was taken up and included in the compound, and that he demands a compensation of Rs 315 which is very exorbitant. A reference to the Civil Court has therefore to be made under Section 15 of the Land Acquisition Act, but as it appears that a notification under Section 4 should first be published I request that the enclosed notification may be submitted to the Chief Commissioner for publication in the Mysore Gazette.

I have the honor &c.

Sd/ L. H. P. G. Cumming

Deputy Commissioner

Shimoga.

"True copy"

K. Ramachandra

for Commissioner

Nagar Dt

Encl

Notification

Notice is hereby given that under Section 4 of the Land Acquisition Act the undermentioned piece of land belonging to one Baidar Puttappa in the town of Sagar, Shemoga District is required for the distillery at Sagar.

113 feet east to West
93 feet north to South

Boundary

East. Side drain of the road to the River
West. Backyard of Maniya and Chenna
North. Hedge of the house of Nandi
South. Aswatha tree.

Shemoga C.
25 August 1811

Deputy Commissioner
Shemoga Dist

MM.

1877.

From

To The Comr.
Nagar Division

Dated 15th September

Despatched "

Received

Enclosures No. "

General No. 5901

G No. 42

Requesting that the facts of the Case should be reported, to decide whether proceedings should be taken under the Land acquisition Act regarding a plot of land belonging to Baidur Postappa in the Town of Sagar, required for the Sudder Distillery at Sagar, Shimoga.

R

General No: 5901
G. " 42

Dated 15th September 1877.

Dy Comm's Docket No. 590/237 of the 15th September 1877 from the Comm Sagar Div. submitting for publication in the Gazette a Notification regarding a plot of land belonging to Baidur Sottaffa in the town of Sagar required for the Sadar Distillery at Sagar, Shimoga Distt.

Order thereon ——— It would appear from the Dy Comm's letter submitted with the above that the land in question had already been taken up and included in the Sadar distillery compound, but it is not clear whether this was done with the consent of the owner as seems to be the case, or otherwise. In the latter case, if the land was taken up without previous agreement with the owner, the proceedings of the Dy Comm^r were irregular.

Section

Section 4 of the Land Aquisition Act. applies to a case where a land has to be taken up newly, and not to a case in wh the land has already been acquired under some private arrangement.

~~He is requested to call on the Dy Comr to report~~ the facts more fully reported in the case thereby the CC. to decide whether it will be necessary to take proceedings under the Land Acquisition Act

Secretary.

To the Commr, Nagpur Dn.

13/9/77

13/9

Secl.

21/9/77

11/9/77

1877. 0.3712

From The Commissioner

To Nagar Dy

Secretary to Chief Commissioner,
General Department.

Dated 24th October

Despatched 29th October

Received 31st October

ENCLOSURES NO one Plan

General No. 865 } 1877—78.
No. 862.

Sir,

I have the honor to forward a copy of letter No 806 dated 19th October 1877 from the Deputy Commissioner of the Shimoga District, submitting the further report called for in Chief Commissioner's Proceedings No 5901/42 dated 15th September 1877 regarding a plot of land belonging to Baidur Bootaspah in the town of Sagar upon which the Sudder Distillery has been built.

2

Dy Comm Sagar
1-11-77

No. 3 L.R. 18/77

It would appear from the Dy Comm's letter now put that Bullatspah agreed when up the land in Q. on expectation of his being granted on lieu other land to the East of the road. In pursuance of this agreement the Distillery Compound land was included in

Having agreed to accept equivalent land in lieu of money compensation

with vernacular papers-

Bullatspah cannot now go behind his agreement. There was no necessity to proceed under the Act as the land was taken up by mutual agreement which may now be enforced by offering to Bullatspah land lying to the East of the road as originally agreed upon—

If the Dy Comm on the occasion had taken prompt measures to make Bullatspah build on the land which he wanted he would not have preferred this claim for money compensation.

I concur Mr 6/11/77

Chief Commissioner's letter
7.11.77

2. It will be seen that in January 1875 Baulur Bootappah consented to part with the plot in question if land were granted to him in exchange and that he now claims a compensation of Rs 492 therefor. The Amildar has estimated the value of the plot at Rs 10, and I agree with the Deputy Commissioner in thinking that the compensation claimed by the owner is excessive and that the provisions of the Land Acquisition Act should be put in action.

I have the honor to be,
Sir,
Your most Obed.t Serv.t

Commissioner
Nagar Div.n

Cust.d

No 806

Shimoga District
Dy: Commr. Office
Shimoga, 19th October 18.

To

The Commissioner
Nagar Division

Sir,

With reference to your Docket No. 547 dated 26th Ultimo, I have the honor to state that Bydur Puttappa was asked in January 1875, whether he would part with the land in question. He stated that he would not unless he was granted land in lieu of his, to the east of the road; but the Amildar Reports that no measures were taken to put the new land in possession of Puttappa.

Why

2. As Puttappa's land was well adapted for the Distillery it was taken up and built upon.

3 On the 3rd June 1876, he addressed an arzi to the Deputy Commissioner, in which he made no allusion to his request to have a new land; but stated that he had no objection to the construction of the Distillery com-pound on his land; but that the Distillers

who would construct their still houses &c in the compound should be made to acquire from him the right to the land on which they would construct them, and he also requested that he might be given permission to open a still in the compound.

4 An endorsement was given to him to the effect that the compound was being built upon land not belonging to him and that his request to open a still would be considered after the construction of the compound wall. In reply, Puttappa pointed out that the land taken up was his and reiterated his request.

5-The Amildar was then (6th July 1876 called on to report how the land was taken possession of by the Sirkar. In reply he sent the deposition taken from Puttappa in January 1875. The Amildar was directed to report the value of the land taken up. He reported that it was in his opinion Rs 10/ but Puttappa demands compensation at Rs-0-9 per sq. foot, which would amount to Rs 492 (not Rs 315 as incorrectly stated in letter No. 581 dated 25th August last).

6. The Amildar reports that two vacant sites, one measuring 33X90 to the right of the road and the other measuring 100X100 by the side

side of the Distillery Compound, are now avail-
-able, but Puttappa now states that he does
not want new land and insists upon his
having compensation for his land. As the
amount claimed by him is very large and
apparently excessive, his claim will have
to be referred to the civil court under the
Land acquisition act -

7. The canarese papers connected with the
case, are also submitted herewith -

I have &c
(Signed) F. E. Mottet -
Deputy Commissioner
Shimoga District

"True copy"

K. Ramachandra Rao
for Commissioner
Nagar Division

1877.

From

The Secretary to the Chief Commissioner
of Mysore.

To

Comr. Nagar

Dated 12 November 1877

Despatched 14th ——"——

Received Registered 21st ——"——

ENCLOSURES NO. 1 Packet of plans by outflier sent with letter in the same cover.

General No. 7341

G. No. 59

Directing that Potuppa be at once put in possession of the land he wished to have in exchange for that taken up for the Cauvery Dig Tiley at Sagar

General No. 7341
G " 59

Dated 12th November 1877.

Pro: of the C. Comr. of Ryeore

Read letter No. 865/362 dated 24 October 1877 from the Comr. of Sagar, submitting a further report regarding the plot of land taken up for the Saddar Distillery at Sagar.

Order thereon.

The CC observes

It is stated in the letter that Buttabhat had by Comrs letter submitted voluntarily agreed to with the above that gave up the land in question Baddar Poottappah and to accept, in agreed to give up the land, and then pleaded land in question on ground lying to the condition of his being East of the road. Had granted in lieu other land thus waived his claim to any compensation money for the road and that in pursuance, and there seems suance of the agreement to be no necessity to the land was included taking any proceedings in

under the Land Acquisition
Act as the land was
taken up & included
in the Distillery compound
in pursuance of an agreement entered into by Pattabhi.

2. ~~Mr C. Connell~~

observes that Poottapah
having accepted
equivalent land in
lieu of money com-
-pensation cannot now
get behind his agree-
-ment — ~~his~~ his Of the Dy.
Collr. or the Amildar
had taken prompt
measures to make
over the land which
Poottappah wanted,
he would not have
preferred the present
claim for money com-
-pensation.

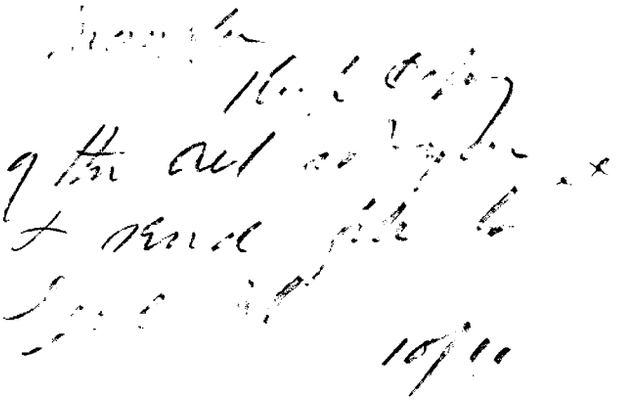
Mr. Saunders
Thinks Puttabhah
directs that ~~the~~
he at once put in.
~~possession~~

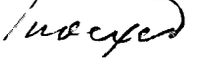
proposing to the land
which he wished to have
in exchange and the
~~contents of agreement~~
same reported to this Office
~~which has already~~
arrived at before the
land was taken up,
may now be enforced
by offering to Poottapur
the land lying to the
east of the road.

I have the honor to be
Sir
Your most obedient
Servant

To
The Comr of Nagar
returning the ~~Contract~~
~~papers~~ Enclosures
of this letter

Recd
17/11/77





(16)

1878/23 0856

From The Commissioner Salem Dn

To

Secretary to Chief Commissioner,
General Department.

Dated 25th
Despatched 27th
Received 2 May

ENCLOSURES NO. 1

General No. 149
Ft. No. 70
} 1878—79.

With reference to the Chief Commissioner's Proceedings No. 7341/59 dated 12th November 1877 on the subject of the land to be made over to Poottapha in exchange for that taken up for the Ludder Distillery at Lagar has the honor to forward herewith copies of the marginally noted correspondence and states that as Poottapha has, and the

Ex Sutton
30-5-78
Mr Park
for Estimate
Sec 31/5
Section L.R. 1/6
Ft. No. 15-1879
5

8/5-7/ dated 17-5-78 Exp No — enclt 1
8/2-5-2/ dated 25-5-78 Exp No — do — do 1
8/2-9/ dated 18/11 Exp No — do — do 1

1°D the circumstances, forfeited his claim to the land, and further action appears necessary.

For Commissioner

Hagan Dy

1878. (13)

From The Deputy Commissioner
Shimoga Dt.

To
The Commissioner
Nagar Dt.

Dated 16th February

No 1181

Your docket No 843 dated 13th December.

In returning the Canarese papers therewith received, has the honor to forward an Istila No 1087 dated 31st Ultimo from the Amildar of Sagar from which it will be seen that Bydur Bootappa has not given a direct answer as to whether or not he wishes to have new land. He states that he would give his answer after presenting a separate petition and obtaining orders thereon. No such petition has yet been received in the office. If by the Chief Commrs order, it was intended that Bootappa's claim to compensation should be rejected and that he should only have a new land, in lieu of that taken for the Distillery, he has by refusing to give a

2 proper answer, forfeited his claim to any consideration whatever.

Hof W. J. Cunningham
offg: Dy Commissioner
Shimoga Dt

1878

From

The Commissioner, Nagar Dn

To

The Deputy Commissr Shimoga Dt

Dated 25th February

No 1066.

His No. 1181 dated 16th Instant.

In reply to the above has the honor to state that the Deputy Commissioner should serve a written notice requiring Poottappa to communicate his wishes or otherwise to take up the land offered to him within a time to be fixed by the Deputy Commr on pain of forfeiting his claim to the land in default, and that the result should be reported to this office after the expiry of the time allowed.

H.

The Canarese papers are returned.

Sd/ W. Hill
Offg: Commissioner
Sagar Dt.

1878.

From
The Deputy Commr. Shimoga Dt.
To
The Commissioner Sagar Dt.
Dated 17th May
No 146.

Commissioner's docket No 1066 dated 25th February last regarding the plot of land belonging to Bandur Vonkappa appropriated for the Sagar Distillery.

Has the honor to state that a notice was served on Bandur Vonkappa on the 17th March last that he should take up new land within the 30th Ultimo, on pain of forfeiting his claim to it in default, and that he has failed to act up to the notice.

The Canarese papers together with Yadi No 73 dated 6th Instant from the Sagar Asstt. Commr. are herewith forwarded

"Sugr. copies"

Sd/ W. Hill
Deputy Commissioner
Shimoga Dt.

Sd/ For Commissioner